

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

INGENIADOR, LLC,

Plaintiff,

v.

Civil Case No. 11-1840 (GAG)

ALFRESCO SOFTWARE, INC.;
BLACKBOARD, INC.; BRIDGELINE
DIGITAL, INC.; COMPULINK
MANAGEMENT CENTER, INC.; EMC
CORP.; HEWLETT-PACKARD CO.;
INFORMATICA CORP.; INTERWOVEN,
INC.; LEXMARK INTERNATIONAL, INC.;
MICROSOFT CORP.; NUXEO CORP.;
OBJECTIVE CORP. USA, INC.; ORACLE
CORP.; SAP AMERICA, INC.; SDL
TRIDION, INC.; and SPRINGCM, INC.,

Defendants.

NOTICE OF SUPPLEMENTAL AUTHORITY

TO THE HONORABLE COURT:

COMES NOW co-defendant, EMC Corporation (“EMC”), and through its undersigned counsel, respectfully requests that the Court take notice of the following:

1. Yesterday, in further support of its motion seeking dismissal due to improper joinder or, in the alternative, for transfer (Docket No. 99), EMC filed two replies (Docket Nos. 183, 184).

2. Attached is a decision handed down last Friday by another United States District Court that discusses the joinder of multiple defendants to a patent infringement action. *See Automated Tracking Solutions, LLC v. Awarepoint Corp.*, Civil No. 2:11-cv-424 (E.D. Va. Jan. 13, 2012) (granting motion to dismiss under Rule 21 for improper joinder for failure to meet the permissive joinder requirements under Rule 20).

3. The *Awarepoint* decision was not cited by EMC in yesterday's filings because it was not discovered until today.

4. EMC believes that the *Awarepoint* decision may serve as an additional persuasive authority for the Court to consider in its evaluation of EMC's pending motion to dismiss.

5. In the spirit of Fed. R. App. P. 28(j), therefore, EMC respectfully requests that this Honorable Court take notice of the *Awarepoint* decision.

WHEREFORE, EMC respectfully requests that this Honorable Court take notice of this supplemental persuasive authority.

I HEREBY CERTIFY that on this same date, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to all attorneys of record.

RESPECTFULLY SUBMITTED in San Juan, Puerto Rico, this 18th day of January, 2012.

O'NEILL & BORGES

s/Salvador J. Antonetti-Stutts

Salvador J. Antonetti-Stutts

USDC-PR No. 215002

santonetti@oneillborges.com

Mauricio O. Muñiz-Luciano

USDC-PR No. 220914

mmuniz@oneillborges.com

O'NEILL & BORGES

American International Plaza

250 Muñoz Rivera Avenue, Suite 800

San Juan, Puerto Rico 00918-1813

Tel. 787-764-8181

Attorneys for Defendant

EMC Corporation

Of Counsel:

ROPES & GRAY LLP

Jesse J. Jenner

Khue V. Hoang

Brandon H. Stroy

ROPES & GRAY LLP

1211 Avenue of the Americas

New York, NY 10036-8704

(212) 596-9000